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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

IN RE:	Allen Kerr, Gina Torres, Debtor.	Bankruptcy No. 12-29200 Chapter 13 Filed Electronically
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**PRECONFIRMATION MOTION TO MODIFY CHAPTER 13 PLAN AND TO
CONFIRM SUCH PLAN WITHOUT NOTICE OR HEARING**

Under 11 U.S.C. § 1323, the Debtor(s), Allen Kerr and Gina Torres hereby modifies the most-recently filed Chapter 13 plan and moves the court for confirmation of the plan as modified without further notice and hearing. In support thereof, the debtor represents as follows:

1. The most recently-filed plan is hereby modified as follows:

Section	Previously-File Plan Provision	Plan as Modified
1(a)	Monthly Payments: Debtors shall pay \$736.00 per month to the Chapter 13 Trustee until completion of the Plan. Such payments are due on the 25th day of each month.	-----
1(b)	Step Payments: N/A.	Step Payments: Debtor(s) shall pay \$736.00 per month to the Chapter 13 Trustee for six month(s) with payments changing thereafter to \$1,220.00 commencing February 25, 2012, 2013, until completion of the Plan. Such payments are due on the 25th day of each month.
3	RETURN TO ALLOWED NONPRIORITY UNSECURED CLAIMS. <u>Pot Plan:</u> Not less than	RETURN TO ALLOWED NONPRIORITY UNSECURED CLAIMS. <u>Pot Plan:</u> Not less than

	\$300.00 to be distributed pro rata among allowed nonpriority unsecured claims.	\$24,516.00 to be distributed pro rata among allowed nonpriority unsecured claims
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2. The modification does not negatively impact secured, priority, or nonpriority unsecured creditors because the modification only increases the monthly payment and the return to unsecured creditors; and/or the modification only increases the return to nonpriority unsecured claims to satisfy the requirements of § 1325.

3. Under § 1323(c), any holder of a secured claim that has accepted or rejected the prior plan is deemed to have accepted or rejected, as the case may be, the plan as modified, unless the modification provides for a change in the rights of such holder from what such rights were under the plan before modification, and such holder changes such holder's previous acceptance or rejection.

THEREFORE, because the modification does not require notice to creditors, Debtor(s) request the Court to confirm the plan as modified without further notice or hearing.

Dated this January 31, 2013

/s/ David M. Cook
Attorney for the Debtor(s)

CERTIFICATE OF SERVICE – BY NOTICE OF ELECTRONIC FILING (CM/ECF)

I hereby certify that on **January 31, 2013**, I electronically filed the foregoing with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

Kevin R. Anderson U.S. Trustee
Chapter 13 Trustee Via ECF
Via ECF

CERTIFICATE OF SERVICE –MAIL, OTHER

I hereby certify that on **January 31, 2013**, I caused to be served a true and correct copy of the foregoing as follows:

X Mail Service - By regular first class United States mail, postage fully pre-paid, addressed to:

Allen Kerr
Gina Torres
270 S. 450 W.
Layton, UT 84041
on this January 31, 2013.

/s/ David M. Cook
